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EXAMINER

PINHEIRO, JASON PAUL

ART UNIT	PAPER NUMBER
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3714

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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USPTO@wavsip.com

Office Action Summary	Application No. 10/757,609	Applicant(s) NELSON ET AL.	
	Examiner Jason Pinheiro	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7,9-24 and 47-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,7,9-24 and 47-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. After the amendment filed on 10/08/2009, Claims 6, 47, 55, 60 and 66 were amended and claim 72 was cancelled. As a result claims 6-7, 9-24, and 47-71 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-7, 9-13, 15-19, 22-24, 47-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988).

Regarding claim 6: Peterson '639 discloses a gaming apparatus comprising: a display unit (14a, Fig. 4); a value input device (paragraph [0021]); a controller operatively coupled to said display unit and said value input device, said controller comprising a processor and a memory operatively coupled to said processor (paragraph [0023]), said controller being programmed to receive server information data representing server information regarding a plurality of casino gaming servers (paragraph [0056]), wherein said server information includes information regarding one or more games that are not stored on said gaming apparatus but are available to be downloaded from said casino gaming

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servers for execution on said gaming apparatus (paragraph [0023]), said controller being programmed to organize said plurality of casino gaming servers, wherein said controller organizes said plurality of casino gaming servers according to said server information data, thereby organizing said information regarding said one or more games that are available for downloading from said casino gaming server (paragraph [0056]), said controller being programmed to select a casino gaming server from among said plurality of casino gaming servers, wherein said controller makes said selection according to said organization of casino gaming servers organized said server information data (paragraph [0056]), said controller being programmed to establish a connection with said selected casino gaming server to send said selection to said selected casino gaming server that enters a wait state, and wherein said selected casino gaming server determines during the wait state whether said selected casino gaming server is selected (paragraph [0056]), and whether said selection is received within a predetermined period of time, and if said selection is not received within the predetermined period of time, the connection with said controller is terminated (paragraph [0041]) (Peterson discloses utilizing using TCP/IP protocol which inherently terminates a connection upon determining that information sent is not received within a predetermined period of time); said controller being programmed to initiate downloading of at least one of said one or more selected games from said selected casino gaming server and receive gaming data for execution of said at least one selected game from said selected

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casino gaming server after said selecting of said casino gaming server (paragraph [0056]), said controller being programmed to initiate execution of said at least one game after said downloading of said at least one selected game (paragraph [0023]), said controller being programmed to cause said display unit to generate a game display based on the gaming data received from said selected casino gaming server for one or more of the following games: poker, blackjack, slots, keno or bingo (paragraph [0003], paragraph [0023]). However Peterson does not disclose that the controller is programmed to independently determine a value payout associated with an outcome of said game.

Walker '988 does disclose that the gaming device is programmed to determine a value payout associated with an outcome of said game (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of enticing players to play a game by offering payouts based on an outcome of the gaming device, by doing so players would want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 7: Peterson and Walker disclose that which is discussed above. However Peterson does not disclose that the display unit comprises a video display unit that is capable of generating video images.

Walker '988 does disclose that the display unit comprises a video display unit that is capable of generating video images (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize a video display as taught by Walker in the gaming device of Peterson in order to yield the predictable result of displaying video images and thereby creating a more appealing game for a player to play.

Regarding claim 9: Peterson and Walker disclose that which is discussed above. However Peterson does not disclose that the display unit comprises at least one mechanical slot machine reel.

Walker '988 does disclose that the display unit comprises at least one mechanical slot machine reel (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize the mechanical slots as disclosed by Walker in the gaming device of Peterson in order to yield the predictable and well known result of creating a mechanical slot machine.

Regarding claims 10, 50, 56, and 61: Peterson and Walker disclose that which is discussed above. Peterson further discloses said controller is programmed to cause said display unit to generate a display relating to one or more of said plurality of casino gaming servers, wherein said controller is programmed to allow a person to select one of said casino gaming servers from among said one or more casino gaming servers (Paragraph [0056]).

Regarding claim 11, and 62: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said controller is programmed to cause said display unit to generate a display relating to said server information data for each of said one or more of said plurality of casino gaming servers (Paragraph [0056]).

Regarding claims 12, 52, 57, and 63: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said controller is programmed to automatically select a casino gaming server from said plurality of casino gaming servers based on said server information data (Paragraph [0056]).

Regarding claims 13, 53, 58, and 64: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said server information data relates to at least one of the following factors for each of said plurality of casino gaming servers: data transfer rate, responsiveness, identification, load, geographic location, network subnet data, description, available gaming data and gaming data size (Paragraph [0056]).

Regarding claim 15: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said gaming data relates to at least one of the following games: poker, blackjack, slots, keno or bingo (Paragraph [0003] & Paragraph [0023]).

Regarding claims 16, 54, 59, and 65: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said gaming data

relates to at least one of the following: a new game, a software update for a game (Paragraph [0039]) and configuration data for a game (Paragraph [0019]).

Regarding claim 17: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said controller is programmed to cause said display unit to generate said game display from said gaming data (Paragraph [0019]).

Regarding claim 18: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said gaming apparatuses being interconnected to form a network of gaming apparatuses (Paragraph [0023]).

Regarding claim 19: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said plurality of casino gaming servers; and a master gaming server, wherein said controller is programmed to communicate with said master gaming server (Paragraph [0037]).

Regarding claim 22: Peterson and Walker disclose that which is discussed above. Peterson further discloses that one or more of said plurality of gaming apparatuses is a master gaming server (Paragraph [0037]), wherein said controller of said one or more gaming apparatuses is programmed to provide a list of said plurality of casino gaming servers to other gaming apparatuses (Paragraph [0056]).

Regarding claim 23: Peterson and Walker disclose that which is discussed above. Peterson further discloses that one or more of said plurality of gaming apparatuses is a casino gaming server (Paragraph [0037]), wherein said

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controller of said one or more gaming apparatuses is programmed to provide gaming data to other gaming apparatuses (Paragraph [0016] & Paragraph [0054]).

Regarding claim 24: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said gaming apparatuses are interconnected via the Internet (Paragraph [0040]).

Regarding claims 47, and 66: Peterson discloses providing server information data regarding a plurality of servers including the server gaming apparatus and one or more gaming servers, the server information data including comparative data for one or more server parameters (Paragraph [0056]); receiving a selection, made according to the server information data, of the server gaming apparatus from the plurality of servers, the selection designating the server gaming apparatus for download of the gaming data for a game not available on said client game apparatus (Paragraph [0056]); the selection designating the server gaming apparatus that enters a wait state and that determines during the wait state whether the server gaming apparatus is selected (paragraph [0056]) via a connection with the client gaming apparatus and whether the selection is received within a predetermined period of time, and if the selection is not received within the predetermined period of time the connection with the client gaming apparatus is terminated (paragraph [0041]) (Peterson discloses utilizing using TCP/IP protocol which inherently terminates a connection upon determining that information sent is not received within a

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predetermined period of time); sending a request message to the selected server gaming apparatus, the request message requesting the gaming data (Paragraph [0023]); receiving the requested gaming data over the communications path from the selected server gaming apparatus (Paragraph [0023]). However Peterson does not disclose that responsive to playing of a player wager, causing output of an outcome of a game of chance in accordance with the received gaming data, and issuing a value payout for play of the game of chance.

Walker does disclose that responsive to playing of a player wager (Paragraph [0021]), causing output of an outcome of a game of chance in accordance with the received gaming data (Paragraph [0047]), and issuing a value payout for play of the game of chance (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of determining an award to be provided to players and thereby creating a more exciting and appealing game, which would cause players' to want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 48: Peterson and Walker disclose that which is discussed above. However Peterson does not disclose that the value payout is associated with the outcome of the game of chance.

Walker '988 does disclose that the value payout is associated with the outcome of the game of chance (paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout associated with the outcome of a game of chance, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of determining an award to be provided to players dependent on the outcome and thereby creating a more exciting and appealing game, which would cause players' to want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 49: Peterson and Walker disclose that which is discussed above. Peterson further discloses receiving the server information data from a gaming apparatus selected from the group consisting of: the client apparatus, the server gaming apparatus, and a further gaming apparatus.

Regarding claim 55: Peterson discloses determining whether the server gaming apparatus is selected from a plurality of servers by entering a wait state (paragraph [0056]); determining via a connection with the client gaming apparatus whether the selection is received within a predetermined period of time, terminating the connection with the client gaming apparatus if the selection is not received within the predetermined period of time (paragraph [0041]) (Peterson discloses utilizing using TCP/IP protocol which inherently terminates a connection upon determining that information sent is not received within a

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predetermined period of time); receiving from the client gaming apparatus a request message for the gaming data for a game not available on the client gaming apparatus (Paragraph [0023] & Paragraph [0056]), the request message based on a selection of the server gaming apparatus from a plurality of servers (Paragraph [0056]), the selection designating the server gaming apparatus for download of the gaming data (Paragraph [0023]), the selection made according to server information data regarding the plurality of servers (Paragraph [0056]), the server information data including comparative data for one or more server parameters (Paragraph [0056]); and responsive to the request message, sending the gaming data to the client gaming apparatus over the communications path (Paragraph [0056]). However Peterson does not disclose an outcome of a game of chance capable of being output on the client gaming apparatus in accordance with the sent gaming data responsive to placing of a wager.

Walker does disclose an outcome of a game of chance capable of being output on the client gaming apparatus in accordance with the sent gaming data responsive to placing of a wager (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of providing an outcome responsive to placing a wager, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of outputting an outcome in response to providing a wager and thereby creating a more exciting

and appealing game, which would cause players' to want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 60: Peterson discloses a display (14a, Fig. 4), a wager input device and a value output device (Paragraph [0021]); a controller operatively connected to the display, the wager input device, and the value output device the controller including a processor programmed to (Paragraph [0023]); retrieve server information data regarding a plurality of servers including the server gaming apparatus and one or more gaming servers, the server information data including comparative data for one or more server parameters (Paragraph [0056]); receiving a selection, made according to the server information data, of the server gaming apparatus from the plurality of servers (Paragraph [0056]), the selection designating the server gaming apparatus for download of the gaming data for a game not available on said client gaming apparatus (Paragraph [0023] & Paragraph [00056]), send the selection via a connection to the server gaming apparatus that enters a wait state, wherein the server gaming apparatus determines during the wait state whether the server gaming apparatus is selected (paragraph [0056]) and whether the selection is received within a predetermined period of time, and if the selection is not received within the predetermined period of time, the connection is terminated (paragraph [0041]) (Peterson discloses utilizing using TCP/IP protocol which inherently terminates a connection upon determining that information sent is not received within a predetermined period of time); and generate a request

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message for the gaming data (Paragraph [0023]); and a communications interface coupled to: send the request message to the selected server gaming apparatus , and receive the requested gaming data from the selected server gaming apparatus over the communications path (Paragraph [0023]). However Peterson does not disclose that the processor of the controller is further programmed to: responsive to placing of a player wager using the wager input device, output an outcome of a game of chance to the display, in accordance with the received gaming data, and issue a value payout to the value output device for play of the game of chance.

Walker does disclose that the processor of the controller is further programmed to: responsive to placing of a player wager using the wager input device, output an outcome of a game of chance to the display, in accordance with the received gaming data, and issue a value payout to the value output device for play of the game of chance (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of providing an outcome responsive to placing a wager, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of outputting an outcome in response to providing a wager and thereby creating a more exciting and appealing game, which would cause players' to want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claims 67-68: Peterson and Walker disclose that which is discussed above. Peterson further discloses that said server information includes a restriction which comprises availability of the gaming data to the gaming apparatus and unavailability of the gaming data to another gaming apparatus (paragraph [0019]).

Regarding claim 69: Peterson and Walker disclose that which is discussed above. Peterson further discloses that the server information data is obtained by a master gaming server from said plurality of casino game servers (paragraph [paragraph [0037]]).

Regarding claim 70: Peterson and Walker disclose that which is discussed above. Peterson further discloses said controller being programmed to send gaming unit identification data identifying said gaming apparatus to said selected casino gaming server that determines whether the gaming unit identification data is valid and that enters a wait state for receiving a ping network message from said gaming apparatus upon determining that the gaming unit identification data is valid (paragraph [0019]).

Regarding claim 71: Peterson and Walker disclose that which is discussed above. Peterson further discloses said controller being programmed to send the ping network message to determine a time for receiving a response from said selected casino gaming server (paragraph [0041]).

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988) as applied to claim 6 above, and further in view of Grimm et al (US 6345297).

Peterson and Walker disclose that which is discussed above. However neither Peterson nor Walker disclose that said controller is programmed to discard a casino gaming server from said plurality of casino gaming servers as an option for selection based on a threshold value, said threshold value relating to at least one of the following factors: data transfer rate, responsiveness, load, geographic proximity, network subnet data, available gaming data and gaming data size.

Grimm '297 does disclose that said controller is programmed to discard a casino gaming server from said plurality of casino gaming servers as an option for selection based on a threshold value (Col. 6, Lines 10-43), said threshold value relating to at least one of the following factors: data transfer rate, responsiveness, load, geographic proximity, network subnet data, available gaming data and gaming data size (Col. 3, Lines 1-25).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Grimm into the combined teachings of Walker and Peterson in order to yield the predictable result of creating a more reliable server selection process and therefore a more reliable game apparatus.

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5. Claims 20-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988) as applied to claims 6, 18, and 19 above, and further in view of Crumby (US 6638170).

Regarding claim 20: Peterson and Walker disclose that which is discussed above. However neither Peterson nor Walker disclose a network server, wherein said controller is programmed to provide said network server with a gaming apparatus identification and data to authenticate said gaming apparatus identification, wherein said controller is programmed to receive a network identification from said network server if said network server accepts said gaming apparatus identification and said data to authenticate said gaming apparatus identification, and wherein said controller is programmed to communicate with said master gaming server using said network identification.

Crumby '170 does disclose a network server (Col. 2, Lines 15-20), wherein said controller is programmed to provide said network server with a gaming apparatus identification and data to authenticate said gaming apparatus identification, wherein said controller is programmed to receive a network identification from said network server if said network server accepts said gaming apparatus identification and said data to authenticate said gaming apparatus identification (Col. 6, Lines 10-46), and although Crumby does not disclose communicating with the master gaming server using the network identification, he does disclose using it to communicate with the network server and it would have been an obvious modification to do use the same network identification to

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communicate with the master server as well in order to create a more secure gaming network.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Crumby into the combined teachings of Walker and Peterson in order to yield the predictable result of creating a more reliable server selection process and therefore a more secure gaming network.

Regarding claim 21: Peterson and Walker disclose that which is discussed above. However neither Peterson nor Walker disclose that said controller is programmed to receive network server authentication data from said network server, wherein said controller is programmed to determine if said network server authentication data is authentic for said network server, and wherein said controller is programmed to accept said network identification if said network server authentication data is authentic for said network server.

Crumby '170 does disclose that said controller is programmed to receive network server authentication data from said network server, wherein said controller is programmed to determine if said network server authentication data is authentic for said network server, and wherein said controller is programmed to accept said network identification if said network server authentication data is authentic for said network server (Col. 6, Lines 10-46).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Crumby into the combined

teachings of Walker and Peterson in order to yield the predictable result of creating a more reliable server selection process and therefore a more secure gaming network.

Response to Arguments

6. Applicant's arguments filed 10/08/2009 have been fully considered but they are not persuasive.

7. Regarding applicant's arguments that neither Peterson nor Walker discloses that "said selected casino gaming server determines during the wait state whether said selected casino gaming server is selected": Examiner must respectfully disagree. Peterson discloses that: after the game has been selected, the game client receives from the server the game data packets (paragraph [0056]), the server sending the game data packets inherently means that the server has determined that it was the selected server, because in response to the game client sending selection information the selected server, only then, sends the game data packets to the game client.

8. Regarding applicant's arguments that neither Peterson nor Walker disclose that "whether said selection is received within a predetermined period of time, and if said selection is not received within the predetermined period of time, the connection with said controller is terminated": The Examiner must respectfully disagree, Peterson discloses utilizing using TCP/IP protocol which inherently terminates a connection upon determining that information sent is not received within a predetermined period of time (paragraph [0041]).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
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/J. P./
Examiner, Art Unit 3714